

#9

RULE 63 (37 C.F.R. 1.63)

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Transgenic Mice Containing 5-HT-2B Gene Disruptions**, the specification of which is was filed on July 10, 2001 under Serial No. 09/903,376.

I hereby state that I have reviewed and understand the contents of the above described specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 CFR 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S):			Date first Laid-	Date Patented	Priority Claimed
Number	Country	Day/MONTH/Year Filed	open or Published	or Granted:	Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States application listed below and PCT international application listed above and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)		Status	Priority Claimed?
Application No.:	Day/MONTH/Year Filed:	(pending, abandoned)	
60/218,358	July 12, 2000	Converted	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
60/223,120	August 7, 2000	Converted	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
60/223,122	August 7, 2000	Converted	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint John E. Burke, Reg. 35,836, Robert J. Driscoll, Ph.D., Reg. 47,536, Jane K. Babin, Ph.D., Reg. 47,224, and Mariette A. Lapiz, Reg. 44,202, all of DeltaGen, Inc., 1003 Hamilton Avenue, Menlo Park, CA 94025, telephone number (650) 463-5836 (to whom all communications are to be directed), individually and collectively, as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to add names of attorneys and/or patent agents as they see fit.

INVENTOR'S SIGNATURE: _____

Date 9-17-01

Inventor's Name

Residence (City, State):

Post Office Address:

Thomas J. BRENNAN
South San Francisco, California
325 Rockwood Drive
South San Francisco, CA 94080

Country of Citizenship: United States of America

Please return recorded to:
DeltaGen, Inc.
1003 Hamilton Avenue
Menlo Park, CA 94025

Docket No. R-599

ASSIGNMENT
of U.S. Origin Patent Application

WHEREAS, the undersigned, to wit: Catherine Guenther, (hereinafter ASSIGNOR), has made an invention entitled, *Transgenic Mice Containing 5-HT-2B Gene Disruptions*, for which an application for U.S. Letters Patent was filed in the United States Patent and Trademark Office on July 10, 2001, under Application No. 09/903,376; and

WHEREAS, ASSIGNOR desires to assign all right, title and interest in and to the above-identified invention to the ASSIGNEE identified below; and

WHEREAS, DELTAGEN, INC., ASSIGNEE, a corporation duly organized and existing under the laws of the State of Delaware and having its principal office and place of business at 1003 Hamilton Avenue, Menlo Park, California 94025, desires to acquire an interest therein;

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NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, said ASSIGNOR does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest to the said invention in the United States and all foreign countries, as described in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

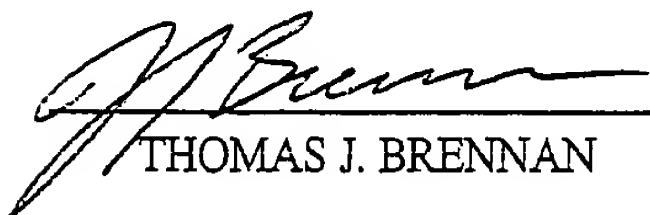
ASSIGNOR further agrees, upon request of ASSIGNEE and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

Executed on the date below indicated.

Signature

Date Signed

Witness


THOMAS J. BRENNAN

9-17-01

